

AMENDED IN SENATE MAY 4, 2009
AMENDED IN SENATE APRIL 15, 2009

SENATE BILL

No. 575

Introduced by Senator Steinberg

February 27, 2009

An act to amend Sections ~~65080, 65583, 65583~~ and 65588 of the Government Code, and to amend Section 75123 of the Public Resources Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 575, as amended, Steinberg. Local planning: ~~transportation housing element.~~

~~(1) The Planning and Zoning Law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy, as specified, as part of their regional transportation plan.~~

~~This bill would specify that nothing in the above provisions requires projects that are funded solely by a local sales tax measure to be subject to the above provisions if those projects were specifically listed in a ballot measure prior to December 31, 2008, approving a sales tax increase for transportation projects.~~

~~(2)~~

~~(1) The Planning and Zoning Law requires every city, county, and city and county each local government to review its housing element as frequently as appropriate to evaluate specified considerations, and requires specified, different types of local governments to revise the~~

~~housing element of its *elements of their* general plan as frequently as is appropriate to reflect the results of the periodic review, and that all local governments within the regional jurisdiction of the San Diego Association of Governments adopt their 5th revision no more than 5 years from the 4th revision and their 6th revision no later than 18 months after adoption of the first regional transportation plan to be adopted after the 5th revision due date *plans in accordance with specific schedules.*~~

~~This bill instead would require all local governments within the regional jurisdiction of the San Diego Association of Governments to adopt their 5th revision no later than 18 months after the adoption of the next regional transportation plan to be adopted after September 30, 2010. The bill would provide that the planning period for the 5th revision would be from July 31, 2010, until 18 months after adoption of the regional transportation plan in 2019. The bill would authorize the Department of Housing and Community Development to adjust the deadlines for housing element adoption for the 5th and subsequent revisions of the housing element so that the deadlines occur 18 months after adoption of the applicable regional transportation plan, provided that the planning period for the housing element is not less than 90 months and not more than 102 months. By adding to the duties of specified local governments, this bill would impose a state-mandated local program.~~

This bill would require all other local governments to adopt the 5th revision of the housing element 5 years after June 30, 2006, and would specify the schedule for all local governments to adopt subsequent revisions of the housing element after the 5th revision, as specified. The bill would authorize the Department of Housing and Community Development to adjust the deadlines for adoption of the 6th and subsequent revisions of the housing element so that the deadlines occur 18 months after adoption of the applicable regional transportation plan, provided that the planning period, as defined, for the housing element is not less than 90 months and not more than 102 months. By adding to the duties of specified local governments, this bill would impose a state-mandated local program.

(3)

(2) The Bagley-Keene Open Meeting Act requires, with specified exceptions, that the meetings of a state body be open and public and that all persons be permitted to attend.

Existing law establishes the Strategic Growth Council and requires the council to manage and award grants and loans to support the planning and development of sustainable communities. Existing law also requires the council's meetings to be open to the public and subject to the Bagley-Keene Open Meeting Act.

This bill would provide that a meeting of the council, including a meeting related to the development of grant guidelines and policies and the approval of grants, is subject to the Bagley-Keene Open Meeting Act, and that, for the purposes of this provision, "meeting" would not include a meeting at which council members are meeting as members of the Governor's cabinet.

(4)

(3) The bill also would require that existing law, Chapter 728 of the Statutes of 2008, be known, and would authorize it to be cited, as the Sustainable Communities and Climate Protection Act of 2008.

(5)

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 65080 of the Government Code is~~
2 ~~amended to read:~~
3 ~~65080. (a) Each transportation planning agency designated~~
4 ~~under Section 29532 or 29532.1 shall prepare and adopt a regional~~
5 ~~transportation plan directed at achieving a coordinated and balanced~~
6 ~~regional transportation system, including, but not limited to, mass~~
7 ~~transportation, highway, railroad, maritime, bicycle, pedestrian,~~
8 ~~goods movement, and aviation facilities and services. The plan~~
9 ~~shall be action-oriented and pragmatic, considering both the~~
10 ~~short-term and long-term future, and shall present clear, concise~~
11 ~~policy guidance to local and state officials. The regional~~
12 ~~transportation plan shall consider factors specified in Section 134~~

1 of Title 23 of the United States Code. Each transportation planning
2 agency shall consider and incorporate, as appropriate, the
3 transportation plans of cities, counties, districts, private
4 organizations, and state and federal agencies.

5 (b) The regional transportation plan shall be an internally
6 consistent document and shall include all of the following:

7 (1) A policy element that describes the transportation issues in
8 the region, identifies and quantifies regional needs, and describes
9 the desired short-range and long-range transportation goals, and
10 pragmatic objective and policy statements. The objective and policy
11 statements shall be consistent with the funding estimates of the
12 financial element. The policy element of transportation planning
13 agencies with populations that exceed 200,000 persons may
14 quantify a set of indicators including, but not limited to, all of the
15 following:

16 (A) Measures of mobility and traffic congestion, including, but
17 not limited to, daily vehicle hours of delay per capita and vehicle
18 miles traveled per capita.

19 (B) Measures of road and bridge maintenance and rehabilitation
20 needs, including, but not limited to, roadway pavement and bridge
21 conditions.

22 (C) Measures of means of travel, including, but not limited to,
23 percentage share of all trips (work and nonwork) made by all of
24 the following:

25 (i) Single occupant vehicle.

26 (ii) Multiple occupant vehicle or carpool.

27 (iii) Public transit including commuter rail and intercity rail.

28 (iv) Walking.

29 (v) Bicycling.

30 (D) Measures of safety and security, including, but not limited
31 to, total injuries and fatalities assigned to each of the modes set
32 forth in subparagraph (C).

33 (E) Measures of equity and accessibility, including, but not
34 limited to, percentage of the population served by frequent and
35 reliable public transit, with a breakdown by income bracket, and
36 percentage of all jobs accessible by frequent and reliable public
37 transit service, with a breakdown by income bracket.

38 (F) The requirements of this section may be met utilizing
39 existing sources of information. No additional traffic counts,
40 household surveys, or other sources of data shall be required.

1 ~~(2) A sustainable communities strategy prepared by each~~
2 ~~metropolitan planning organization as follows:~~

3 ~~(A) No later than September 30, 2010, the State Air Resources~~
4 ~~Board shall provide each affected region with greenhouse gas~~
5 ~~emission reduction targets for the automobile and light truck sector~~
6 ~~for 2020 and 2035, respectively.~~

7 ~~(i) No later than January 31, 2009, the state board shall appoint~~
8 ~~a Regional Targets Advisory Committee to recommend factors to~~
9 ~~be considered and methodologies to be used for setting greenhouse~~
10 ~~gas emission reduction targets for the affected regions. The~~
11 ~~committee shall be composed of representatives of the metropolitan~~
12 ~~planning organizations, affected air districts, the League of~~
13 ~~California Cities, the California State Association of Counties,~~
14 ~~local transportation agencies, and members of the public, including~~
15 ~~homebuilders, environmental organizations, planning organizations,~~
16 ~~environmental justice organizations, affordable housing~~
17 ~~organizations, and others. The advisory committee shall transmit~~
18 ~~a report with its recommendations to the state board no later than~~
19 ~~September 30, 2009. In recommending factors to be considered~~
20 ~~and methodologies to be used, the advisory committee may~~
21 ~~consider any relevant issues, including, but not limited to, data~~
22 ~~needs, modeling techniques, growth forecasts, the impacts of~~
23 ~~regional jobs-housing balance on interregional travel and~~
24 ~~greenhouse gas emissions, economic and demographic trends, the~~
25 ~~magnitude of greenhouse gas reduction benefits from a variety of~~
26 ~~land use and transportation strategies, and appropriate methods to~~
27 ~~describe regional targets and to monitor performance in attaining~~
28 ~~those targets. The state board shall consider the report prior to~~
29 ~~setting the targets.~~

30 ~~(ii) Prior to setting the targets for a region, the state board shall~~
31 ~~exchange technical information with the metropolitan planning~~
32 ~~organization and the affected air district. The metropolitan planning~~
33 ~~organization may recommend a target for the region. The~~
34 ~~metropolitan planning organization shall hold at least one public~~
35 ~~workshop within the region after receipt of the report from the~~
36 ~~advisory committee. The state board shall release draft targets for~~
37 ~~each region no later than June 30, 2010.~~

38 ~~(iii) In establishing these targets, the state board shall take into~~
39 ~~account greenhouse gas emission reductions that will be achieved~~
40 ~~by improved vehicle emission standards, changes in fuel~~

1 composition, and other measures it has approved that will reduce
2 greenhouse gas emissions in the affected regions, and prospective
3 measures the state board plans to adopt to reduce greenhouse gas
4 emissions from other greenhouse gas emission sources as that term
5 is defined in subdivision (i) of Section 38505 of the Health and
6 Safety Code and consistent with the regulations promulgated
7 pursuant to the California Global Warming Solutions Act of 2006
8 (Division 12.5 (commencing with Section 38500) of the Health
9 and Safety Code):

10 (iv) The state board shall update the regional greenhouse gas
11 emission reduction targets every eight years consistent with each
12 metropolitan planning organization's timeframe for updating its
13 regional transportation plan under federal law until 2050. The state
14 board may revise the targets every four years based on changes in
15 the factors considered under clause (iii) above. The state board
16 shall exchange technical information with the Department of
17 Transportation, metropolitan planning organizations, local
18 governments, and affected air districts and engage in a consultative
19 process with public and private stakeholders prior to updating these
20 targets:

21 (v) The greenhouse gas emission reduction targets may be
22 expressed in gross tons, tons per capita, tons per household, or in
23 any other metric deemed appropriate by the state board.

24 (B) Each metropolitan planning organization shall prepare a
25 sustainable communities strategy, subject to the requirements of
26 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
27 Federal Regulations, including the requirement to utilize the most
28 recent planning assumptions considering local general plans and
29 other factors. The sustainable communities strategy shall (i)
30 identify the general location of uses, residential densities, and
31 building intensities within the region; (ii) identify areas within the
32 region sufficient to house all the population of the region, including
33 all economic segments of the population, over the course of the
34 planning period of the regional transportation plan taking into
35 account net migration into the region, population growth, household
36 formation and employment growth; (iii) identify areas within the
37 region sufficient to house an eight-year projection of the regional
38 housing need for the region pursuant to Section 65584; (iv) identify
39 a transportation network to service the transportation needs of the
40 region; (v) gather and consider the best practically available

1 ~~scientific information regarding resource areas and farmland in~~
2 ~~the region as defined in subdivisions (a) and (b) of Section~~
3 ~~65080.01; (vi) consider the state housing goals specified in Sections~~
4 ~~65580 and 65581; (vii) set forth a forecasted development pattern~~
5 ~~for the region, which, when integrated with the transportation~~
6 ~~network, and other transportation measures and policies, will~~
7 ~~reduce the greenhouse gas emissions from automobiles and light~~
8 ~~trucks to achieve, if there is a feasible way to do so, the greenhouse~~
9 ~~gas emission reduction targets approved by the state board; and~~
10 ~~(viii) allow the regional transportation plan to comply with Section~~
11 ~~176 of the federal Clean Air Act (42 U.S.C. Sec. 7506). Within~~
12 ~~the jurisdiction of the Metropolitan Transportation Commission,~~
13 ~~as defined by Section 66502, the Association of Bay Area~~
14 ~~Governments shall be responsible for clauses (i), (ii), (iii), (v), and~~
15 ~~(vi), the Metropolitan Transportation Commission shall be~~
16 ~~responsible for clauses (iv) and (viii); and the Association of Bay~~
17 ~~Area Governments and the Metropolitan Transportation~~
18 ~~Commission shall jointly be responsible for clause (vii).~~

19 ~~(C) In the region served by the multicounty transportation~~
20 ~~planning agency described in Section 130004 of the Public Utilities~~
21 ~~Code, a subregional council of governments and the county~~
22 ~~transportation commission may work together to propose the~~
23 ~~sustainable communities strategy and an alternative planning~~
24 ~~strategy, if one is prepared pursuant to subparagraph (H), for that~~
25 ~~subregional area. The metropolitan planning organization may~~
26 ~~adopt a framework for a subregional sustainable communities~~
27 ~~strategy or a subregional alternative planning strategy to address~~
28 ~~the interregional land use, transportation, economic, air quality,~~
29 ~~and climate policy relationships. The metropolitan planning~~
30 ~~organization shall include the subregional sustainable communities~~
31 ~~strategy for that subregion in the regional sustainable communities~~
32 ~~strategy to the extent consistent with this section and federal law~~
33 ~~and approve the subregional alternative planning strategy, if one~~
34 ~~is prepared pursuant to subparagraph (H), for that subregional area~~
35 ~~to the extent consistent with this section. The metropolitan planning~~
36 ~~organization shall develop overall guidelines, create public~~
37 ~~participation plans pursuant to subparagraph (E), ensure~~
38 ~~coordination, resolve conflicts, make sure that the overall plan~~
39 ~~complies with applicable legal requirements, and adopt the plan~~
40 ~~for the region.~~

~~(D) The metropolitan planning organization shall conduct at least two informational meetings in each county within the region for members of the board of supervisors and city councils on the sustainable communities strategy and alternative planning strategy, if any. The metropolitan planning organization may conduct only one informational meeting if it is attended by representatives of the county board of supervisors and city council members representing a majority of the cities representing a majority of the population in the incorporated areas of that county. Notice of the meeting shall be sent to the clerk of the board of supervisors and to each city clerk. The purpose of the meeting shall be to present a draft of the sustainable communities strategy to the members of the board of supervisors and the city council members in that county and to solicit and consider their input and recommendations.~~

~~(E) Each metropolitan planning organization shall adopt a public participation plan, for development of the sustainable communities strategy and an alternative planning strategy, if any, that includes all of the following:~~

~~(i) Outreach efforts to encourage the active participation of a broad range of stakeholder groups in the planning process, consistent with the agency's adopted Federal Public Participation Plan, including, but not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations.~~

~~(ii) Consultation with congestion management agencies, transportation agencies, and transportation commissions.~~

~~(iii) Workshops throughout the region to provide the public with the information and tools necessary to provide a clear understanding of the issues and policy choices. At least one workshop shall be held in each county in the region. For counties with a population greater than 500,000, at least three workshops shall be held. Each workshop, to the extent practicable, shall include urban simulation computer modeling to create visual representations of the sustainable communities strategy and the alternative planning strategy.~~

~~(iv) Preparation and circulation of a draft sustainable communities strategy and an alternative planning strategy, if one~~

1 is prepared, not less than 55 days before adoption of a final regional
2 transportation plan.

3 ~~(v) At least three public hearings on the draft sustainable~~
4 ~~communities strategy in the regional transportation plan and~~
5 ~~alternative planning strategy, if one is prepared. If the metropolitan~~
6 ~~transportation organization consists of a single county, at least two~~
7 ~~public hearings shall be held. To the maximum extent feasible, the~~
8 ~~hearings shall be in different parts of the region to maximize the~~
9 ~~opportunity for participation by members of the public throughout~~
10 ~~the region.~~

11 ~~(vi) A process for enabling members of the public to provide a~~
12 ~~single request to receive notices, information, and updates.~~

13 ~~(F) In preparing a sustainable communities strategy, the~~
14 ~~metropolitan planning organization shall consider spheres of~~
15 ~~influence that have been adopted by the local agency formation~~
16 ~~commissions within its region.~~

17 ~~(G) Prior to adopting a sustainable communities strategy, the~~
18 ~~metropolitan planning organization shall quantify the reduction in~~
19 ~~greenhouse gas emissions projected to be achieved by the~~
20 ~~sustainable communities strategy and set forth the difference, if~~
21 ~~any, between the amount of that reduction and the target for the~~
22 ~~region established by the state board.~~

23 ~~(H) If the sustainable communities strategy, prepared in~~
24 ~~compliance with subparagraph (B) or (C), is unable to reduce~~
25 ~~greenhouse gas emissions to achieve the greenhouse gas emission~~
26 ~~reduction targets established by the state board, the metropolitan~~
27 ~~planning organization shall prepare an alternative planning strategy~~
28 ~~to the sustainable communities strategy showing how those~~
29 ~~greenhouse gas emission targets would be achieved through~~
30 ~~alternative development patterns, infrastructure, or additional~~
31 ~~transportation measures or policies. The alternative planning~~
32 ~~strategy shall be a separate document from the regional~~
33 ~~transportation plan, but it may be adopted concurrently with the~~
34 ~~regional transportation plan. In preparing the alternative planning~~
35 ~~strategy, the metropolitan planning organization:~~

36 ~~(i) Shall identify the principal impediments to achieving the~~
37 ~~targets within the sustainable communities strategy.~~

38 ~~(ii) May include an alternative development pattern for the~~
39 ~~region pursuant to subparagraphs (B) to (F), inclusive.~~

1 ~~(iii) Shall describe how the greenhouse gas emission reduction~~
2 ~~targets would be achieved by the alternative planning strategy, and~~
3 ~~why the development pattern, measures, and policies in the~~
4 ~~alternative planning strategy are the most practicable choices for~~
5 ~~achievement of the greenhouse gas emission reduction targets.~~

6 ~~(iv) An alternative development pattern set forth in the~~
7 ~~alternative planning strategy shall comply with Part 450 of Title~~
8 ~~23 of, and Part 93 of Title 40 of, the Code of Federal Regulations;~~
9 ~~except to the extent that compliance will prevent achievement of~~
10 ~~the greenhouse gas emission reduction targets approved by the~~
11 ~~state board.~~

12 ~~(v) For purposes of the California Environmental Quality Act~~
13 ~~(Division 13 (commencing with Section 21000) of the Public~~
14 ~~Resources Code), an alternative planning strategy shall not~~
15 ~~constitute a land use plan, policy, or regulation, and the~~
16 ~~inconsistency of a project with an alternative planning strategy~~
17 ~~shall not be a consideration in determining whether a project may~~
18 ~~have an environmental effect.~~

19 ~~(I) (i) Prior to starting the public participation process adopted~~
20 ~~pursuant to subparagraph (E) of paragraph (2) of subdivision (b)~~
21 ~~of Section 65080, the metropolitan planning organization shall~~
22 ~~submit a description to the state board of the technical methodology~~
23 ~~it intends to use to estimate the greenhouse gas emissions from its~~
24 ~~sustainable communities strategy and, if appropriate, its alternative~~
25 ~~planning strategy. The state board shall respond to the metropolitan~~
26 ~~planning organization in a timely manner with written comments~~
27 ~~about the technical methodology, including specifically describing~~
28 ~~any aspects of that methodology it concludes will not yield accurate~~
29 ~~estimates of greenhouse gas emissions, and suggested remedies.~~
30 ~~The metropolitan planning organization is encouraged to work~~
31 ~~with the state board until the state board concludes that the~~
32 ~~technical methodology operates accurately.~~

33 ~~(ii) After adoption, a metropolitan planning organization shall~~
34 ~~submit a sustainable communities strategy or an alternative~~
35 ~~planning strategy, if one has been adopted, to the state board for~~
36 ~~review, including the quantification of the greenhouse gas emission~~
37 ~~reductions the strategy would achieve and a description of the~~
38 ~~technical methodology used to obtain that result. Review by the~~
39 ~~state board shall be limited to acceptance or rejection of the~~
40 ~~metropolitan planning organization's determination that the strategy~~

1 submitted would, if implemented, achieve the greenhouse gas
2 emission reduction targets established by the state board. The state
3 board shall complete its review within 60 days.

4 (iii) If the state board determines that the strategy submitted
5 would not, if implemented, achieve the greenhouse gas emission
6 reduction targets, the metropolitan planning organization shall
7 revise its strategy or adopt an alternative planning strategy, if not
8 previously adopted, and submit the strategy for review pursuant
9 to clause (ii). At a minimum, the metropolitan planning
10 organization must obtain state board acceptance that an alternative
11 planning strategy would, if implemented, achieve the greenhouse
12 gas emission reduction targets established for that region by the
13 state board.

14 (J) Neither a sustainable communities strategy nor an alternative
15 planning strategy regulates the use of land, nor, except as provided
16 by subparagraph (I), shall either one be subject to any state
17 approval. Nothing in a sustainable communities strategy shall be
18 interpreted as superseding the exercise of the land use authority
19 of cities and counties within the region. Nothing in this section
20 shall be interpreted to limit the state board's authority under any
21 other provision of law. Nothing in this section shall be interpreted
22 to authorize the abrogation of any vested right whether created by
23 statute or by common law. Nothing in this section shall require a
24 city's or county's land use policies and regulations, including its
25 general plan, to be consistent with the regional transportation plan
26 or an alternative planning strategy. Nothing in this section requires
27 a metropolitan planning organization to approve a sustainable
28 communities strategy that would be inconsistent with Part 450 of
29 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
30 Regulations and any administrative guidance under those
31 regulations. Nothing in this section relieves a public or private
32 entity or any person from compliance with any other local, state,
33 or federal law.

34 (K) Nothing in this section requires projects programmed for
35 funding on or before December 31, 2011, to be subject to the
36 provisions of this paragraph if they (i) are contained in the 2007
37 or 2009 Federal Statewide Transportation Improvement Program,
38 (ii) are funded pursuant to Chapter 12.49 (commencing with
39 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically
40 listed in a ballot measure prior to December 31, 2008, approving

~~1 a sales tax increase for transportation projects. Nothing in this
2 section requires projects that are funded solely by a local sales tax
3 measure to be subject to the provisions of this paragraph if those
4 projects were specifically listed in a ballot measure prior to
5 December 31, 2008, approving a sales tax increase for
6 transportation projects. Nothing in this section shall require a
7 transportation sales tax authority to change the funding allocations
8 approved by the voters for categories of transportation projects in
9 a sales tax measure adopted prior to December 31, 2010. For
10 purposes of this subparagraph, a transportation sales tax authority
11 is a district, as defined in Section 7252 of the Revenue and
12 Taxation Code, that is authorized to impose a sales tax for
13 transportation purposes.~~

~~14 (L) A metropolitan planning organization, or a regional
15 transportation planning agency not within a metropolitan planning
16 organization, that is required to adopt a regional transportation
17 plan not less than every five years, may elect to adopt the plan not
18 less than every four years. This election shall be made by the board
19 of directors of the metropolitan planning organization or regional
20 transportation planning agency no later than June 1, 2009, or
21 thereafter 54 months prior to the statutory deadline for the adoption
22 of housing elements for the local jurisdictions within the region,
23 after a public hearing at which comments are accepted from
24 members of the public and representatives of cities and counties
25 within the region covered by the metropolitan planning
26 organization or regional transportation planning agency. Notice
27 of the public hearing shall be given to the general public and by
28 mail to cities and counties within the region no later than 30 days
29 prior to the date of the public hearing. Notice of election shall be
30 promptly given to the Department of Housing and Community
31 Development. The metropolitan planning organization or the
32 regional transportation planning agency shall complete its next
33 regional transportation plan within three years of the notice of
34 election.~~

~~35 (M) Two or more of the metropolitan planning organizations
36 for Fresno County, Kern County, Kings County, Madera County,
37 Merced County, San Joaquin County, Stanislaus County, and
38 Tulare County may work together to develop and adopt
39 multiregional goals and policies that may address interregional
40 land use, transportation, economic, air quality, and climate~~

1 relationships. The participating metropolitan planning organizations
2 may also develop a multiregional sustainable communities strategy,
3 to the extent consistent with federal law, or an alternative planning
4 strategy for adoption by the metropolitan planning organizations.
5 Each participating metropolitan planning organization shall
6 consider any adopted multiregional goals and policies in the
7 development of a sustainable communities strategy and, if
8 applicable, an alternative planning strategy for its region.

9 (3) An action element that describes the programs and actions
10 necessary to implement the plan and assigns implementation
11 responsibilities. The action element may describe all transportation
12 projects proposed for development during the 20-year or greater
13 life of the plan. The action element shall consider congestion
14 management programming activities carried out within the region.

15 (4) (A) A financial element that summarizes the cost of plan
16 implementation constrained by a realistic projection of available
17 revenues. The financial element shall also contain
18 recommendations for allocation of funds. A county transportation
19 commission created pursuant to Section 130000 of the Public
20 Utilities Code shall be responsible for recommending projects to
21 be funded with regional improvement funds, if the project is
22 consistent with the regional transportation plan. The first five years
23 of the financial element shall be based on the five-year estimate
24 of funds developed pursuant to Section 14524. The financial
25 element may recommend the development of specified new sources
26 of revenue, consistent with the policy element and action element.

27 (B) The financial element of transportation planning agencies
28 with populations that exceed 200,000 persons may include a project
29 cost breakdown for all projects proposed for development during
30 the 20-year life of the plan that includes total expenditures and
31 related percentages of total expenditures for all of the following:

- 32 (i) State highway expansion.
- 33 (ii) State highway rehabilitation, maintenance, and operations.
- 34 (iii) Local road and street expansion.
- 35 (iv) Local road and street rehabilitation, maintenance, and
36 operation.
- 37 (v) Mass transit, commuter rail, and intercity rail expansion.
- 38 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
39 maintenance, and operations.
- 40 (vii) Pedestrian and bicycle facilities.

1 ~~(viii) Environmental enhancements and mitigation.~~

2 ~~(ix) Research and planning.~~

3 ~~(x) Other categories.~~

4 ~~(C) The metropolitan planning organization or county~~
5 ~~transportation agency, whichever entity is appropriate, shall~~
6 ~~consider financial incentives for cities and counties that have~~
7 ~~resource areas or farmland, as defined in Section 65080.01, for~~
8 ~~the purposes of, for example, transportation investments for the~~
9 ~~preservation and safety of the city street or county road system~~
10 ~~and farm to market and interconnectivity transportation needs. The~~
11 ~~metropolitan planning organization or county transportation~~
12 ~~agency, whichever entity is appropriate, shall also consider~~
13 ~~financial assistance for counties to address countywide service~~
14 ~~responsibilities in counties that contribute towards the greenhouse~~
15 ~~gas emission reduction targets by implementing policies for growth~~
16 ~~to occur within their cities.~~

17 ~~(e) Each transportation planning agency may also include other~~
18 ~~factors of local significance as an element of the regional~~
19 ~~transportation plan, including, but not limited to, issues of mobility~~
20 ~~for specific sectors of the community, including, but not limited~~
21 ~~to, senior citizens.~~

22 ~~(d) Except as otherwise provided in this subdivision, each~~
23 ~~transportation planning agency shall adopt and submit, every four~~
24 ~~years, an updated regional transportation plan to the California~~
25 ~~Transportation Commission and the Department of Transportation.~~
26 ~~A transportation planning agency located in a federally designated~~
27 ~~air quality attainment area or that does not contain an urbanized~~
28 ~~area may at its option adopt and submit a regional transportation~~
29 ~~plan every five years. When applicable, the plan shall be consistent~~
30 ~~with federal planning and programming requirements and shall~~
31 ~~conform to the regional transportation plan guidelines adopted by~~
32 ~~the California Transportation Commission. Prior to adoption of~~
33 ~~the regional transportation plan, a public hearing shall be held after~~
34 ~~the giving of notice of the hearing by publication in the affected~~
35 ~~county or counties pursuant to Section 6061.~~

36 ~~SEC. 2.~~

37 ~~SECTION 1.~~ Section 65583 of the Government Code is
38 ~~amended to read:~~

39 65583. The housing element shall consist of an identification
40 and analysis of existing and projected housing needs and a

1 statement of goals, policies, quantified objectives, financial
2 resources, and scheduled programs for the preservation,
3 improvement, and development of housing. The housing element
4 shall identify adequate sites for housing, including rental housing,
5 factory-built housing, mobilehomes, and emergency shelters, and
6 shall make adequate provision for the existing and projected needs
7 of all economic segments of the community. The element shall
8 contain all of the following:

9 (a) An assessment of housing needs and an inventory of
10 resources and constraints relevant to the meeting of these needs.

11 The assessment and inventory shall include all of the following:

12 (1) An analysis of population and employment trends and
13 documentation of projections and a quantification of the locality's
14 existing and projected housing needs for all income levels,
15 including extremely low income households, as defined in
16 subdivision (b) of Section 50105 and Section 50106 of the Health
17 and Safety Code. These existing and projected needs shall include
18 the locality's share of the regional housing need in accordance
19 with Section 65584. Local agencies shall calculate the subset of
20 very low income households allotted under Section 65584 that
21 qualify as extremely low income households. The local agency
22 may either use available census data to calculate the percentage
23 of very low income households that qualify as extremely low
24 income households or presume that 50 percent of the very low
25 income households qualify as extremely low income households.
26 The number of extremely low income households and very low
27 income households shall equal the jurisdiction's allocation of very
28 low income households pursuant to Section 65584.

29 (2) An analysis and documentation of household characteristics,
30 including level of payment compared to ability to pay, housing
31 characteristics, including overcrowding, and housing stock
32 condition.

33 (3) An inventory of land suitable for residential development,
34 including vacant sites and sites having potential for redevelopment,
35 and an analysis of the relationship of zoning and public facilities
36 and services to these sites.

37 (4) (A) The identification of a zone or zones where emergency
38 shelters are allowed as a permitted use without a conditional use
39 or other discretionary permit. The identified zone or zones shall
40 include sufficient capacity to accommodate the need for emergency

1 shelter identified in paragraph (7), except that each local
2 government shall identify a zone or zones that can accommodate
3 at least one year-round emergency shelter. If the local government
4 cannot identify a zone or zones with sufficient capacity, the local
5 government shall include a program to amend its zoning ordinance
6 to meet the requirements of this paragraph within one year of the
7 adoption of the housing element. The local government may
8 identify additional zones where emergency shelters are permitted
9 with a conditional use permit. The local government shall also
10 demonstrate that existing or proposed permit processing,
11 development, and management standards are objective and
12 encourage and facilitate the development of, or conversion to,
13 emergency shelters. Emergency shelters may only be subject to
14 those development and management standards that apply to
15 residential or commercial development within the same zone except
16 that a local government may apply written, objective standards
17 that include all of the following:

18 (i) The maximum number of beds or persons permitted to be
19 served nightly by the facility.

20 (ii) Off-street parking based upon demonstrated need, provided
21 that the standards do not require more parking for emergency
22 shelters than for other residential or commercial uses within the
23 same zone.

24 (iii) The size and location of exterior and interior onsite waiting
25 and client intake areas.

26 (iv) The provision of onsite management.

27 (v) The proximity to other emergency shelters, provided that
28 emergency shelters are not required to be more than 300 feet apart.

29 (vi) The length of stay.

30 (vii) Lighting.

31 (viii) Security during hours that the emergency shelter is in
32 operation.

33 (B) The permit processing, development, and management
34 standards applied under this paragraph shall not be deemed to be
35 discretionary acts within the meaning of the California
36 Environmental Quality Act (Division 13 (commencing with Section
37 21000) of the Public Resources Code).

38 (C) A local government that can demonstrate to the satisfaction
39 of the department the existence of one or more emergency shelters
40 either within its jurisdiction or pursuant to a multijurisdictional

1 agreement that can accommodate that jurisdiction's need for
2 emergency shelter identified in paragraph (7) may comply with
3 the zoning requirements of subparagraph (A) by identifying a zone
4 or zones where new emergency shelters are allowed with a
5 conditional use permit.

6 (D) A local government with an existing ordinance or ordinances
7 that comply with this paragraph shall not be required to take
8 additional action to identify zones for emergency shelters. The
9 housing element must only describe how existing ordinances,
10 policies, and standards are consistent with the requirements of this
11 paragraph.

12 (5) An analysis of potential and actual governmental constraints
13 upon the maintenance, improvement, or development of housing
14 for all income levels, including the types of housing identified in
15 paragraph (1) of subdivision (c), and for persons with disabilities
16 as identified in the analysis pursuant to paragraph (7), including
17 land use controls, building codes and their enforcement, site
18 improvements, fees and other exactions required of developers,
19 and local processing and permit procedures. The analysis shall
20 also demonstrate local efforts to remove governmental constraints
21 that hinder the locality from meeting its share of the regional
22 housing need in accordance with Section 65584 and from meeting
23 the need for housing for persons with disabilities, supportive
24 housing, transitional housing, and emergency shelters identified
25 pursuant to paragraph (7). Transitional housing and supportive
26 housing shall be considered a residential use of property, and shall
27 be subject only to those restrictions that apply to other residential
28 dwellings of the same type in the same zone.

29 (6) An analysis of potential and actual nongovernmental
30 constraints upon the maintenance, improvement, or development
31 of housing for all income levels, including the availability of
32 financing, the price of land, and the cost of construction.

33 (7) An analysis of any special housing needs, such as those of
34 the elderly, persons with disabilities, large families, farmworkers,
35 families with female heads of households, and families and persons
36 in need of emergency shelter. The need for emergency shelter shall
37 be assessed based on annual and seasonal need. The need for
38 emergency shelter may be reduced by the number of supportive
39 housing units that are identified in an adopted 10-year plan to end
40 chronic homelessness and that are either vacant or for which

1 funding has been identified to allow construction during the
2 planning period.

3 (8) An analysis of opportunities for energy conservation with
4 respect to residential development.

5 (9) An analysis of existing assisted housing developments that
6 are eligible to change from low-income housing uses during the
7 next 10 years due to termination of subsidy contracts, mortgage
8 prepayment, or expiration of restrictions on use. “Assisted housing
9 developments,” for the purpose of this section, shall mean
10 multifamily rental housing that receives governmental assistance
11 under federal programs listed in subdivision (a) of Section
12 65863.10, state and local multifamily revenue bond programs,
13 local redevelopment programs, the federal Community
14 Development Block Grant Program, or local in-lieu fees. “Assisted
15 housing developments” shall also include multifamily rental units
16 that were developed pursuant to a local inclusionary housing
17 program or used to qualify for a density bonus pursuant to Section
18 65916.

19 (A) The analysis shall include a listing of each development by
20 project name and address, the type of governmental assistance
21 received, the earliest possible date of change from low-income use
22 and the total number of elderly and nonelderly units that could be
23 lost from the locality’s low-income housing stock in each year
24 during the 10-year period. For purposes of state and federally
25 funded projects, the analysis required by this subparagraph need
26 only contain information available on a statewide basis.

27 (B) The analysis shall estimate the total cost of producing new
28 rental housing that is comparable in size and rent levels, to replace
29 the units that could change from low-income use, and an estimated
30 cost of preserving the assisted housing developments. This cost
31 analysis for replacement housing may be done aggregately for
32 each five-year period and does not have to contain a
33 project-by-project cost estimate.

34 (C) The analysis shall identify public and private nonprofit
35 corporations known to the local government which have legal and
36 managerial capacity to acquire and manage these housing
37 developments.

38 (D) The analysis shall identify and consider the use of all federal,
39 state, and local financing and subsidy programs which can be used
40 to preserve, for lower income households, the assisted housing

1 developments, identified in this paragraph, including, but not
2 limited to, federal Community Development Block Grant Program
3 funds, tax increment funds received by a redevelopment agency
4 of the community, and administrative fees received by a housing
5 authority operating within the community. In considering the use
6 of these financing and subsidy programs, the analysis shall identify
7 the amounts of funds under each available program which have
8 not been legally obligated for other purposes and which could be
9 available for use in preserving assisted housing developments.

10 (b) (1) A statement of the community's goals, quantified
11 objectives, and policies relative to the maintenance, preservation,
12 improvement, and development of housing.

13 (2) It is recognized that the total housing needs identified
14 pursuant to subdivision (a) may exceed available resources and
15 the community's ability to satisfy this need within the content of
16 the general plan requirements outlined in Article 5 (commencing
17 with Section 65300). Under these circumstances, the quantified
18 objectives need not be identical to the total housing needs. The
19 quantified objectives shall establish the maximum number of
20 housing units by income category, including extremely low income,
21 that can be constructed, rehabilitated, and conserved over a
22 five-year time period.

23 (c) A program which sets forth a schedule of actions during the
24 planning period, each with a timeline for implementation, which
25 may recognize that certain programs are ongoing, such that there
26 will be beneficial impacts of the programs within the planning
27 period, that the local government is undertaking or intends to
28 undertake to implement the policies and achieve the goals and
29 objectives of the housing element through the administration of
30 land use and development controls, the provision of regulatory
31 concessions and incentives, and the utilization of appropriate
32 federal and state financing and subsidy programs when available
33 and the utilization of moneys in a low- and moderate-income
34 housing fund of an agency if the locality has established a
35 redevelopment project area pursuant to the Community
36 Redevelopment Law (Division 24 (commencing with Section
37 33000) of the Health and Safety Code). In order to make adequate
38 provision for the housing needs of all economic segments of the
39 community, the program shall do all of the following:

1 (1) Identify actions that will be taken to make sites available
2 during the planning period of the general plan with appropriate
3 zoning and development standards and with services and facilities
4 to accommodate that portion of the city's or county's share of the
5 regional housing need for each income level that could not be
6 accommodated on sites identified in the inventory completed
7 pursuant to paragraph (3) of subdivision (a) without rezoning, and
8 to comply with the requirements of Section 65584.09. Sites shall
9 be identified as needed to facilitate and encourage the development
10 of a variety of types of housing for all income levels, including
11 multifamily rental housing, factory-built housing, mobilehomes,
12 housing for agricultural employees, supportive housing,
13 single-room occupancy units, emergency shelters, and transitional
14 housing.

15 (A) Where the inventory of sites, pursuant to paragraph (3) of
16 subdivision (a), does not identify adequate sites to accommodate
17 the need for groups of all household income levels pursuant to
18 Section 65584, rezoning of those sites, including adoption of
19 minimum density and development standards, for jurisdictions
20 with an eight-year housing element planning period pursuant to
21 Section 65588, shall be completed no later than three years after
22 either the date the housing element is adopted pursuant to
23 subdivision (f) of Section 65585 or the date that is 90 days after
24 receipt of comments from the department pursuant to subdivision
25 (b) of Section 65585, whichever is earlier, unless the deadline is
26 extended pursuant to subdivision (f). Notwithstanding the
27 foregoing, for a local government that fails to adopt a housing
28 element within 120 days of the statutory deadline in Section 65588
29 for adoption of the housing element, rezoning of those sites,
30 including adoption of minimum density and development standards,
31 shall be completed no later than three years and 120 days from the
32 statutory deadline in Section 65588 for adoption of the housing
33 element.

34 (B) Where the inventory of sites, pursuant to paragraph (3) of
35 subdivision (a), does not identify adequate sites to accommodate
36 the need for groups of all household income levels pursuant to
37 Section 65584, the program shall identify sites that can be
38 developed for housing within the planning period pursuant to
39 subdivision (h) of Section 65583.2. The identification of sites shall

1 include all components specified in subdivision (b) of Section
2 65583.2.

3 (C) Where the inventory of sites pursuant to paragraph (3) of
4 subdivision (a) does not identify adequate sites to accommodate
5 the need for farmworker housing, the program shall provide for
6 sufficient sites to meet the need with zoning that permits
7 farmworker housing use by right, including density and
8 development standards that could accommodate and facilitate the
9 feasibility of the development of farmworker housing for low- and
10 very low income households.

11 (2) Assist in the development of adequate housing to meet the
12 needs of extremely low, very low, low-, and moderate-income
13 households.

14 (3) Address and, where appropriate and legally possible, remove
15 governmental constraints to the maintenance, improvement, and
16 development of housing, including housing for all income levels
17 and housing for persons with disabilities. The program shall remove
18 constraints to, and provide reasonable accommodations for housing
19 designed for, intended for occupancy by, or with supportive
20 services for, persons with disabilities.

21 (4) Conserve and improve the condition of the existing
22 affordable housing stock, which may include addressing ways to
23 mitigate the loss of dwelling units demolished by public or private
24 action.

25 (5) Promote housing opportunities for all persons regardless of
26 race, religion, sex, marital status, ancestry, national origin, color,
27 familial status, or disability.

28 (6) Preserve for lower income households the assisted housing
29 developments identified pursuant to paragraph (9) of subdivision
30 (a). The program for preservation of the assisted housing
31 developments shall utilize, to the extent necessary, all available
32 federal, state, and local financing and subsidy programs identified
33 in paragraph (9) of subdivision (a), except where a community has
34 other urgent needs for which alternative funding sources are not
35 available. The program may include strategies that involve local
36 regulation and technical assistance.

37 (7) The program shall include an identification of the agencies
38 and officials responsible for the implementation of the various
39 actions and the means by which consistency will be achieved with
40 other general plan elements and community goals. The local

1 government shall make a diligent effort to achieve public
2 participation of all economic segments of the community in the
3 development of the housing element, and the program shall
4 describe this effort.

5 (d) (1) A local government may satisfy all or part of its
6 requirement to identify a zone or zones suitable for the
7 development of emergency shelters pursuant to paragraph (4) of
8 subdivision (a) by adopting and implementing a multijurisdictional
9 agreement, with a maximum of two other adjacent communities,
10 that requires the participating jurisdictions to develop at least one
11 year-round emergency shelter within two years of the beginning
12 of the planning period.

13 (2) The agreement shall allocate a portion of the new shelter
14 capacity to each jurisdiction as credit towards its emergency shelter
15 need, and each jurisdiction shall describe how the capacity was
16 allocated as part of its housing element.

17 (3) Each member jurisdiction of a multijurisdictional agreement
18 shall describe in its housing element all of the following:

19 (A) How the joint facility will meet the jurisdiction's emergency
20 shelter need.

21 (B) The jurisdiction's contribution to the facility for both the
22 development and ongoing operation and management of the
23 facility.

24 (C) The amount and source of the funding that the jurisdiction
25 contributes to the facility.

26 (4) The aggregate capacity claimed by the participating
27 jurisdictions in their housing elements shall not exceed the actual
28 capacity of the shelter.

29 (e) Except as otherwise provided in this article, amendments to
30 this article that alter the required content of a housing element
31 shall apply to both of the following:

32 (1) A housing element or housing element amendment prepared
33 pursuant to subdivision (e) of Section 65588 or Section 65584.02,
34 when a city, county, or city and county submits a draft to the
35 department for review pursuant to Section 65585 more than 90
36 days after the effective date of the amendment to this section.

37 (2) Any housing element or housing element amendment
38 prepared pursuant to subdivision (e) of Section 65588 or Section
39 65584.02, when the city, county, or city and county fails to submit

1 the first draft to the department before the due date specified in
2 Section 65588 or 65584.02.

3 (f) The deadline for completing required rezoning pursuant to
4 subparagraph (A) of paragraph (1) of subdivision (c) shall be
5 extended by one year if the local government has completed the
6 rezoning at densities sufficient to accommodate at least 75 percent
7 of the units for low- and very low income households and if the
8 legislative body at the conclusion of a public hearing determines,
9 based upon substantial evidence, that any of the following
10 circumstances exist:

11 (1) The local government has been unable to complete the
12 rezoning because of the action or inaction beyond the control of
13 the local government of any other state federal or local agency.

14 (2) The local government is unable to complete the rezoning
15 because of infrastructure deficiencies due to fiscal or regulatory
16 constraints.

17 (3) The local government must undertake a major revision to
18 its general plan in order to accommodate the housing related
19 policies of a sustainable communities strategy or an alternative
20 planning strategy adopted pursuant to Section 65080.

21 The resolution and the findings shall be transmitted to the
22 department together with a detailed budget and schedule for
23 preparation and adoption of the required rezonings, including plans
24 for citizen participation and expected interim action. The schedule
25 shall provide for adoption of the required rezoning within one year
26 of the adoption of the resolution.

27 (g) (1) If a local government fails to complete the rezoning by
28 the deadline provided in subparagraph (A) of paragraph (1) of
29 subdivision (c), as it may be extended pursuant to subdivision (f),
30 except as provided in paragraph (2), a local government may not
31 disapprove a housing development project, nor require a
32 conditional use permit, planned unit development permit, or other
33 locally imposed discretionary permit, or impose a condition that
34 would render the project infeasible, if the housing development
35 project (A) is proposed to be located on a site required to be
36 rezoned pursuant to the program action required by that
37 subparagraph; and (B) complies with applicable, objective general
38 plan and zoning standards and criteria, including design review
39 standards, described in the program action required by that
40 subparagraph. Any subdivision of sites shall be subject to the

1 Subdivision Map Act. Design review shall not constitute a “project”
2 for purposes of Division 13 (commencing with Section 21000) of
3 the Public Resources Code.

4 (2) A local government may disapprove a housing development
5 described in paragraph (1) if it makes written findings supported
6 by substantial evidence on the record that both of the following
7 conditions exist:

8 (A) The housing development project would have a specific,
9 adverse impact upon the public health or safety unless the project
10 is disapproved or approved upon the condition that the project be
11 developed at a lower density. As used in this paragraph, a “specific,
12 adverse impact” means a significant, quantifiable, direct, and
13 unavoidable impact, based on objective, identified written public
14 health or safety standards, policies, or conditions as they existed
15 on the date the application was deemed complete.

16 (B) There is no feasible method to satisfactorily mitigate or
17 avoid the adverse impact identified pursuant to paragraph (1), other
18 than the disapproval of the housing development project or the
19 approval of the project upon the condition that it be developed at
20 a lower density.

21 (3) The applicant or any interested person may bring an action
22 to enforce this subdivision. If a court finds that the local agency
23 disapproved a project or conditioned its approval in violation of
24 this subdivision, the court shall issue an order or judgment
25 compelling compliance within 60 days. The court shall retain
26 jurisdiction to ensure that its order or judgment is carried out. If
27 the court determines that its order or judgment has not been carried
28 out within 60 days, the court may issue further orders to ensure
29 that the purposes and policies of this subdivision are fulfilled. In
30 any such action, the city, county, or city and county shall bear the
31 burden of proof.

32 (4) For purposes of this subdivision, “housing development
33 project” means a project to construct residential units for which
34 the project developer provides sufficient legal commitments to the
35 appropriate local agency to ensure the continued availability and
36 use of at least 49 percent of the housing units for very low, low-,
37 and moderate-income households with an affordable housing cost
38 or affordable rent, as defined in Section 50052.5 or 50053 of the
39 Health and Safety Code, respectively, for the period required by
40 the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

~~SEC. 3.~~

SEC. 2. Section 65588 of the Government Code is amended to read:

65588. (a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.

(2) The effectiveness of the housing element in attainment of the community's housing goals and objectives.

(3) The progress of the city, county, or city and county in implementation of the housing element.

~~(b) Except as provided in paragraph (7) of subdivision (e), the housing element shall be revised as appropriate, but not less than every eight years, to reflect the results of this periodic review, by those local governments that are located within a region covered by (1) a metropolitan planning organization in a region classified as nonattainment for one or more pollutants regulated by the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or (2) a metropolitan planning organization or regional transportation planning agency that is required, or has elected pursuant to subparagraph (L) of paragraph (2) of subdivision (b) of Section 65080, to adopt a regional transportation plan not less than every four years, except that a local government that does not adopt a housing element within 120 days of the statutory deadline for adoption of the housing element shall revise its housing element as appropriate, but not less than every four years. The housing element shall be revised, as appropriate, but not less than every five years by those local governments that are located within a region covered by a metropolitan planning organization or regional transportation planning agency that is required to adopt a regional transportation plan not less than every five years, to reflect the results of this~~

(b) The housing element shall be revised as appropriate, but no less often than required by subdivision (e), to reflect the results of this periodic review. Nothing in this section shall be construed to excuse the obligations of the local government to adopt a revised housing element no later than the date specified in this section.

1 (c) The review and revision of housing elements required by
2 this section shall take into account any low- or moderate-income
3 housing provided or required pursuant to Section 65590.

4 (d) The review pursuant to subdivision (c) shall include, but
5 need not be limited to, the following:

6 (1) The number of new housing units approved for construction
7 within the coastal zone after January 1, 1982.

8 (2) The number of housing units for persons and families of
9 low or moderate income, as defined in Section 50093 of the Health
10 and Safety Code, required to be provided in new housing
11 developments either within the coastal zone or within three miles
12 of the coastal zone pursuant to Section 65590.

13 (3) The number of existing residential dwelling units occupied
14 by persons and families of low or moderate income, as defined in
15 Section 50093 of the Health and Safety Code, that have been
16 authorized to be demolished or converted since January 1, 1982,
17 in the coastal zone.

18 (4) The number of residential dwelling units for persons and
19 families of low or moderate income, as defined in Section 50093
20 of the Health and Safety Code, that have been required for
21 replacement or authorized to be converted or demolished as
22 identified in paragraph (3). The location of the replacement units,
23 either onsite, elsewhere within the locality's jurisdiction within
24 the coastal zone, or within three miles of the coastal zone within
25 the locality's jurisdiction, shall be designated in the review.

26 (e) ~~Notwithstanding subdivision (b) or the date of adoption of~~
27 ~~the housing elements previously in existence, each~~ Each city,
28 county, and city and county shall revise its housing element
29 according to the following schedule:

30 (1) (A) Local governments within the regional jurisdiction of
31 the Southern California Association of Governments: June 30,
32 2006, for the fourth revision.

33 ~~(2)~~

34 (B) Local governments within the regional jurisdiction of the
35 Association of Bay Area Governments: June 30, 2007, for the
36 fourth revision.

37 ~~(3)~~

38 (C) Local governments within the regional jurisdiction of the
39 Council of Fresno County Governments, the Kern County Council
40 of Governments, and the Sacramento Area Council of

Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(4)

(D) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2009, for the fourth revision.

(5)

(E) Local governments within the regional jurisdiction of the San Diego Association of Governments: June 30, 2005, for the fourth revision.

(6)

(F) All other local governments: December 31, 2003, for the third revision, and June 30, 2009, for the fourth revision.

(7)

(2) (A) All local governments within a metropolitan planning organization in a region classified as nonattainment for one or more pollutants regulated by the federal Clean Air Act (42 U.S.C. Sec. 7506), except those within the regional jurisdiction of the San Diego Association of Governments, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan to be adopted after September 30, 2010.

(B) All local governments within the regional jurisdiction of the San Diego Association of Governments shall adopt their fifth revision *no more than five years from the fourth revision and their sixth revision no later than 18 months after adoption of the next first regional transportation plan to be adopted after September 30, 2010. Notwithstanding subdivision (f), the planning period for the fifth revision shall be from July 31, 2010, until 18 months after adoption of the regional transportation plan in 2019. the fifth revision due date.*

(C) All local governments within the regional jurisdiction of a metropolitan planning organization or a regional transportation planning agency that has made an election pursuant to subparagraph (L) of paragraph (2) of subdivision (b) of Section 65080 shall be subject to the eight-year planning period pursuant to subdivision (b) of Section 65588 and shall adopt its next housing element 65080 by June 1, 2009, shall adopt the fifth revision of

1 *the housing element no later than 18 months after adoption of the*
2 *first regional transportation plan following the election.*

3 *(D) All other local governments shall adopt the fifth revision*
4 *of the housing element five years after the date specified in*
5 *paragraph (1).*

6 *(3) Subsequent revisions of the housing element shall be due as*
7 *follows:*

8 *(A) At eight-year intervals after the applicable date specified*
9 *in subparagraph (A), (B), or (C) of paragraph (2), except that a*
10 *local government that does not adopt a housing element within*
11 *120 days of the statutory deadline for adoption shall revise its*
12 *housing element not less than every four years.*

13 *(B) At five-year intervals after the date specified in*
14 *subparagraph (D) of paragraph (2).*

15 *(C) If a metropolitan planning organization or a regional*
16 *transportation planning agency subject to the five-year revision*
17 *interval in subparagraph (B) makes an election pursuant to*
18 *subparagraph (L) of paragraph (2) of subdivision (b) of Section*
19 *65080 after June 1, 2009, all local governments within the regional*
20 *jurisdiction of that entity shall adopt the next housing element*
21 *revision 18 months after adoption of the first regional*
22 *transportation plan following the election. Subsequent revisions*
23 *shall be due at eight-year intervals thereafter, except that a local*
24 *government that does not adopt a housing element within 120 days*
25 *of the statutory deadline for adoption shall revise its housing*
26 *element not less than every four years.*

27 *(4) The metropolitan planning organization or a regional*
28 *transportation planning agency for a region that has an eight-year*
29 *revision interval pursuant to paragraph (3) shall notify the*
30 *department and the Department of Transportation in writing of*
31 *the estimated adoption date for its next regional transportation*
32 *plan at least 12 months prior to the estimated adoption date. The*
33 *Department of Transportation shall maintain and publish on its*
34 *Internet Web site a current schedule of the estimated regional*
35 *transportation plan adoption dates. For purposes of determining*
36 *the existing and projected need for housing a region pursuant to*
37 *Sections 65584 to 65584.08, inclusive, the date of the next*
38 *scheduled revision of the housing element shall be deemed to be*
39 *the estimated adoption date of the regional transportation plan*
40 *described in the notice plus 18 months.*

1 (5) *The Department of Housing and Community Development*
2 *may adjust the deadlines for adoption of the sixth and subsequent*
3 *revisions of the housing element so that the deadlines occur 18*
4 *months after adoption of the applicable regional transportation*
5 *plan, provided that the planning period for the housing element*
6 *is not less than 90 months and not more than 102 months.*

7 (6) *The regional housing need for the new projection period*
8 *shall begin on the date of December 31 or June 30 that most closely*
9 *precedes the end of the previous projection period.*

10 (f) For purposes of this article, ~~“planning period” shall be the~~
11 ~~time period for periodic revision of the housing element pursuant~~
12 ~~to this section.~~

13 ~~(g) The Department of Housing and Community Development~~
14 ~~may adjust the deadlines for adoption of the fifth and subsequent~~
15 ~~revisions of the housing element so that the deadlines occur 18~~
16 ~~months after adoption of the applicable regional transportation~~
17 ~~plan, provided that the planning period for the housing element is~~
18 ~~not less than 90 months and not more than 102 months. the~~
19 ~~following terms have the following meanings:~~

20 (1) *“Planning period” shall be the time period between the due*
21 *date for one housing element and the due date for the next housing*
22 *element.*

23 (2) *“Projection period” shall be the time period for which the*
24 *regional housing need is calculated.*

25 ~~SEC. 4.~~

26 ~~SEC. 3.~~ Section 75123 of the Public Resources Code is
27 amended to read:

28 75123. (a) A meeting of the council, including a meeting
29 related to the development of grant guidelines and policies and the
30 approval of grants, shall be subject to the Bagley-Keene Open
31 Meeting Act (Article 9 (commencing with Section 11120) of
32 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
33 Code), except that, for purposes of this section, “meeting” shall
34 not include a meeting at which council members are meeting as
35 members of the Governor’s cabinet.

36 (b) The council may sponsor conferences, symposia, and other
37 public forums, to seek a broad range of public advice regarding
38 local, regional, and natural resource planning, sustainable
39 development, and strategies to reduce and mitigate climate change.

1 ~~SEC. 5.~~

2 *SEC. 4.* Chapter 728 of the Statutes of 2008 shall be known
3 and may be cited as the Sustainable Communities and Climate
4 Protection Act.

5 ~~SEC. 6.~~

6 *SEC. 5.* If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.